



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
FILLMORE FIELD OFFICE
35 East 500 North
Fillmore, Utah 84631

M/023/0042
Task 318 1001
cc: Wayne
Penny

TAKE PRIDE
IN AMERICA

In Reply Refer to:
3809 (LLUTW02000)
UTU-72860-01

September 2, 2009

RECEIVED
SEP 08 2009

DIV. OF OIL, GAS & MINING

DECISION

GARY BURNINGHAM	:	
B.E.G. RESOURCES, LC.	:	43 CFR 3809 - Surface
95 NORTH 200 EAST	:	Notice - UTU 72860-01
AMERICAN FORK, UT 84003	:	

Determination of Release of Financial Guarantee

Your notification of completed reclamation and your request for the release of surety, regarding Plan of Operation Case File UTU 72860-01, has been conveyed to the Fillmore Field Office (FFO).

Reclamation of the site under this notice has been completed and seems to be adequate. Re-vegetation of the site is also adequate. The FFO posted a notice and allowed for thirty days of public comment on release of this bond, but has received no comment.

Amount of Financial Guarantee - The FFO has determined a financial guarantee for the reclaimed site of your plan of operation UTU 72860-01 in T. 14 S., R. 3 W., section 14, southwest quarter is no longer necessary.

Required Financial Guarantee - A financial guarantee in the amount of \$15,100.00 in the form of cash is currently being held by the Utah Division of Oil, Gas, and Mining for their case M/023/0042, which corresponds to UTU 72860-01. This financial guarantee may be released.

Appeal of the Decision Determining the Required Financial Guarantee Amount - If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

1001

If the State Director does not make a decision your request for review of this decision within 21 days of BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the FFO at, 35 East 500 North, Fillmore, Utah 84631 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Should you have any questions, please contact Jerry Mansfield, FFO Geologist, at 435-743-3125 or at the above address.

Sincerely,




Patricia M. Bailey
Acting Field Manager

Enclosure:

Form 1842-1

cc:

Wayne Western

UDOGM

1594 W North Temple Ste 1210

SLC, UT 84114

Opie Abeyta

w/enclosure: UDOGM Inspection Report

BLM Utah State Office (UT-923)

PO Box 45155

Salt Lake City, UT 84145-0155

JMansfield:bh